UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/509,786	ISHII ET AL.
	Examiner	Art Unit	
	ESTHER BENOIT	2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 July 2009</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>8,13-27 and 30</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>8,13-27 and 30</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendments

1.   This Action is in response to an Amendment filed on July 7, 2009. Claim 8 has

been amended. Claims 8, 13-27, and 30 are pending in this application.

Response to Arguments

2.   Applicant's arguments filed 7/7/2009 have been fully considered but they are not

persuasive. The applicants are arguing in substance the following:

Arguments under 35 U.S.C. 103 (a)

Arguments to Claim 8:

        a) The prior art reference- Hammond, does not teach "when the mail receiver

receives a second mail for the same transmission destination as the transmission

destination of first mail received previously on condition that a mail arrival notice for the

first mail has failed and retransmission of the mail arrival notice therefore has not been

performed, temporarily stops transmission of a retransmission request for said first mail

and formerly performs transmission of a mail arrival notice for said second mail".

        b) The prior art reference- Hammond, does not teach "stopping of transmission of

a retransmission request based on another mail message to the same destination".

        c) The prior art reference- Yasutaka, does not teach "stopping of transmission of

a retransmission request based on another mail message to the same destination".

Response to arguments of Claim 8:

As to point a: The argument has been considered but is not persuasive. In Col. 2, lines 31-50, Hammond discloses that a second mail can be transmitted if a first mail has been determined that it has not been received or delivered properly based on a mail delivery confirmation. It is well known in the art that the retransmission requests will end and a delivery confirmation will be received once it is determined that the re-sent mail (second mail) has been successfully delivered.

As to point b: The argument has been considered but is not persuasive. Please see point a. The retransmission request will automatically be cancelled once a delivery confirmation has been received.

As to point c: The argument has been considered but is not persuasive. Yasutaka discloses in paragraphs [0009] and [0031] that once a message is determined that is was transmitted; the re-transmission process is ended because a mail delivery notification was received. Also, it is well known that if a first message has not been received, there will be no mail arrival notice sent. If a re-transmission request is sent, this is considered as a second mail sent, since the first mail was unsuccessful.

As to any claims not specifically discussed, the applicants argued that it was patentable for one of the reasons discussed above. Please see response to above arguments for unspecified discussions.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 8, 13-25, and 30 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Hammond (US 6,854,007 B1), in view of Yasutaka (JP 2002-

073487).

With respect to claim 8, Hammond discloses:

- a mail receiver, connected to said Internet, for receiving said mail (See

  block 100 of fig. 1, *server computer system*);

- a mail storer, connected to said mail receiver storing said received mail

  (See block 126 of fig. 1 and column 6, lines 29 – 30, *messages stored on

  server computer system*);

- a mail transmitter, connected to said public network, for transmitting said

  received mail received by said mail receiver to said terminals through said

  public network (See block 134 of fig. 1, *message sender*);

- a user data storer, provided separately from said mail storer, for storing

  data of a user of a transmission destination of said mail as user

  information (See block 130 of fig. 1, *memory*);

- a notice determiner, connected to said mail receiver and said user data storer, when storing of said mail terminates and mail information containing information about a transmission destination of said mail is inputted, for obtaining said user information from the user data storer and determining whether to perform said mail arrival notice (See block 137 of fig. 1, *message tracker*);

- a mail arrival noticer, connected to said notice determiner, for creating mail arrival notice from said mail information (See block 127 of fig. 1 and (Col. 6, lines 56-61, *message tracking table contains messages read by recipients*);

- a transmission data storer, connected to said mail arrival noticer, for storing transmission data of said mail arrival notice; and (See block 130 of fig. 1, *memory*);

- a timer manager, connected to said notice determiner and said mail arrival noticer, for performing timer management for action timing of said notice determiner and said mail arrival noticer (Figure 2, *message tracking table incorporates send, delivery, reviewed, etc.*);

- a network connector, connected between said mail arrival noticer and said public network, for transmitting said mail arrival notice to said terminals (See block 122 of fig. 1, *network connection*);

- said mail arrival noticer include: a mail arrival notice creator, connected to said notice determiner and said user data storer, for creating said mail

arrival notice from said mail and said user information (See block 137 of fig. 1, *message tracker processor*);

- notice transmitter, connected to said mail arrival notice creator and said transmission data storer, for creating a transmission request of said mail arrival notice transmitted from said mail arrival notice creator and storing it in the transmission data storer (See block 137 of fig. 1, *message tracker processor*);

- a network connection controller, connected between said notice transmitter and said public network, for converting said transmission request into a format interpretable to said network connector (See column 6, lines 41 – 45, *connection adaptable to various forms of messages*);

- a retransmission controller, connected to said notice transmitter and said timer manager, for creating a retransmission request of said mail arrival notice, which is a next transmission request in the case of failure of said transmission request (Fig. 3A block 320, *resending of message requested*)

- and a retransmission data storer, connected to said retransmission controller, for storing retransmission data required to create a retransmission request, which is a next transmission request; and (See block 127 of fig. 1, *maintains tracking of sent and re-sent messages*);

- and a retransmission data deleter, connected to said notice transmitter and said retransmission data storer, for deleting said retransmission data

within said retransmission data storer according to the transmission
request of said notice transmitter (See block 137 of fig. 1 and Fig. 3A
block 327, *retransmission time expiration*)

- said mail arrival noticer, when mail arrival notice to said terminals fails,
  transmits said mail arrival notice again to said terminals after a
  predetermined time managed by said timer manager elapses, and when
  said mail arrival notice is successfully transmitted, deletes said mail arrival
  notice data from transmission data store (See block 137 of fig. 1 and Fig.
  3A block 327, *retransmission time expiration*);

- said mail arrival noticer, when the mail receiver receives a second mail for
  the same transmission destination as the transmission destination of first
  mail received previously on condition that a mail arrival notice for the first
  mail has failed and retransmission of the mail arrival notice therefore has
  not been performed, temporarily stops transmission of a retransmission
  request for said first mail and formerly performs transmission of a mail
  arrival notice for said second mail (See fig. 2. *If a second mail is received
  within the Resend Time Period for a first mail, the Message Review Server
  will not send a retransmission arrival notice of a first mail*),

- said retransmission data deleter, when the mail arrival notice for said
  second mail succeeds, deletes said retransmission data for the same
  terminal within said retransmission data storer; (See block 137 of fig. 1
  and Fig. 3A block 327, *retransmission time expiration*)

Hammond does not disclose:

- said mail arrival noticer, when the mail arrival notice for said second mail formerly performed after temporarily stopping transmission of said retransmission request fails, cancels the stopping of transmission of said retransmission request for said first mail and performs retransmission of a mail arrival notice for said first mail;

However, Yasutaka discloses said mail arrival noticer, when the mail arrival notice for said second mail formerly performed after temporarily stopping transmission of said retransmission request fails, cancels the stopping of transmission of said retransmission request for said first mail and performs retransmission of a mail arrival notice for said first mail ([0009], *where the mail arrival stops processing the second message (resend message) and gives priority to transmission of the first message*)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have combined the teachings of Hammond with the teachings of Yasutaka to cancel the retransmission of the second message, *because* it will allow the system to complete the processing of the request for the first email.

With respect to claim 13, Hammond said mail arrival noticer, when mail arrival notice for said second mail succeeds after temporarily stopping transmission of said retransmission request, delete all retransmission data for the same transmission destination (See column 6, lines 63 - 65).

With respect to claim 14, Hammond discloses said mail arrival noticer, when receiving second mail for the same transmission destination as a transmission destination of first mail received previously by said mail receiver, delete retransmission data for said first mail stored in said retransmission data storer (See column 6, lines 63 - 65).

With respect to claim 15, Hammond discloses said mail arrival noticer, when mail arrival notice of said second mail fail, store retransmission data for said second mail in said retransmission data storer (See block 127 of fig. 1).

With respect to claim 16, Hammond discloses said mail arrival noticer set said number of retransmissions of mail arrival notice (See block 137 of fig. 1).

With respect to claim 17, Hammond discloses said mail arrival noticer include a retransmission control table for storing correspondences between types of responses from said public network and next transmission processing methods (See block 137 of fig. 1); said network connection control means send a response of said public network to a transmission request of mail arrival notice created by said mail arrival notice creation means to said notice transmitter (See block 134 of fig. 1); said notice transmitter sends said response to said retransmission controller (See block 137 of fig. 1); said retransmission data storer stores, from said response and said retransmission control table, information required to create a retransmission request (See block 137 of fig. 1), which is a next transmission request in the case of failure of the transmission request; and said retransmission controller creates said retransmission request (See block 137 of fig. 1).

With respect to claim 18, Hammond discloses wherein, in the case where a terminal user has plural terminals of different types, said mail arrival noticer registers information of the plural terminals of said user in said user data storer (See block 127 of fig. 1), and when mail arrives in the user, said mail arrival notice creator assign priorities to said plural terminals and create mail arrival notice (See column 7, lines 17 - 20).

With respect to claim 19, Hammond discloses when assigning priorities to said plural terminals, said mail arrival notice creator assign transmission priorities to terminals of transmission destinations, based on one of mail contents, notice conditions, and terminal capabilities, or combinations of two or more of these items (See block 127 of fig. 1).

With respect to claim 20, Hammond discloses wherein said mail arrival noticer have data of a table of correspondences between phone numbers of said plural terminals and information about charges for communications with said terminals, and assigns priorities to said plural terminals, using the information about charges for communications with said terminals (See column 7, lines 17 - 20).

With respect to claim 21, Hammond discloses wherein said mail arrival noticer have data of a table of correspondences between carriers of phone numbers and phone numbers of transmission destinations, and communication charges, and, when assigning priorities to said plural terminals, assigns the highest priority to a terminal having the lowest communication charge (See column 7, lines 17 - 20).

With respect to claim 22, Hammond discloses wherein said mail arrival noticer, when said mail arrival notice is unsuccessfully transmitted, decide a terminal of a next

transmission destination according to the transmission priorities of said terminals, and
retransmits said mail arrival notice (See block 127 of fig. 1).

      With respect to claim 23, Hammond discloses wherein in the case where a
terminal user has plural terminals of different types, said mail arrival noticer register
information of the plural terminals of said user in said user data storer, and when mail
arrives in the user, said mail arrival notice creator create contents of mail arrival notice
in a format suited for a terminal of a transmission destination, based on one of mail
contents, notice conditions, and terminal capabilities, or combinations of two or more of
these items (See column 6, lines 40-45).

      With respect to claim 24, Hammond discloses wherein in the case where said
terminals output a request to obtain mail text containing the terminal capabilities of said
terminals and notice conditions after receiving said mail arrival notice, the contents of
said mail are created in a format suited for the transmission destination terminal,
according to said terminal capabilities and said notice conditions (column 6, lines 40 -
45).

      With respect to claim 25, Hammond discloses wherein in the case where a
terminal user has plural terminals of different types, information of the plural terminals of
said user is registered in said user data storer, and for at least some of the terminals,
terminal information of transfer destination and transfer instructions are registered (See
block 127 of fig. 1), the mail arrival noticer make mail arrival notice to said some of the
terminals, and transmits arriving mail to a terminal of transfer destination (See block 134
of fig. 1).

With respect to claim 30, Hammond discloses wherein, in the case where said

terminals output a request to obtain mail text without containing the terminal capabilities

of said terminals and notice conditions after receiving said mail arrival notice, the mail

transmitter, in response to the mail text acquisition request, obtains mail from the mail

storer, obtains information of the terminal from the user data storer, and converts mail

contents according to information thereof (See block 134 of fig. 1).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hammond, in view of Understanding the Basics of Wireless Communications, 3-18 to 3-

19, Telecommunications Research Associates, 1985 - 2008, and further in view of

Telecommunications Research Associates.

With respect to claim 26, Hammond discloses each and every limitation of

claims 8 and 18 from which claim 26 depends. Hammond also discloses each and

every limitation of claim 8 from which claim 27 depends. However, Hammond fails to

explicitly teach information about a transfer destination, registering transfer instructions,

having arrival mail transmitted to a terminal of the transfer destination, a transfer

instruction function, transmitting transfer instructions and terminal information of the

transfer destination to the mail arrival notice means and having the mail arrival notice

means transmit arriving mail to a terminal of the transfer destination. Conversely,

Telecommunications Research Associates does in fact teach these limitations.

Telecommunications Research Associates discloses a cellular handoff consisting of a

transfer destination, registering transfer instructions, having a phone call transmitted to

a terminal of the transfer destination, a transfer instruction function, transmitting the

transfer instructions and terminal information of the transfer destination to the phone call

arrival notice means and having the phone call arrival notice means transmit the arrival

phone call to a terminal of the transfer destination.

Therefore, it would have been obvious to a person having ordinary skill in the art

at the time the invention was made to have combined the teachings of

Telecommunications Research Associates to implement what is taught by Hammond in

order to have a cellular handoff of a communication to a different cell.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ESTHER BENOIT whose telephone number is (571)270-3807. The examiner can normally be reached on Monday through Friday between 7:30 a.m and 5 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

E.B.
November 16, 2009

/Shawki S Ismail/

Primary Examiner, Art Unit 2455